

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
ELKINS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CRIMINAL ACTION NO. 2:11-CR-30
(BAILEY)**

WOODROW JEFFERSON DAVIS, III,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation ("R&R") of United States Magistrate Judge John S. Kaull [Doc. 14], filed December 12, 2011. In that filing, the magistrate judge recommends that this Court deny the defendant's Motion to Suppress Evidence [Doc. 10], filed November 23, 2011.

Pursuant to 28 U.S.C. § 636 (b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. ***Thomas v. Arn***, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); ***Snyder v.***

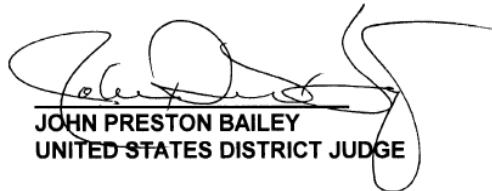
Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); **United States v. Schronce**, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Kaull's R&R were due on December 29, 2011, pursuant to 28 U.S.C. § 636(b)(1). To date, no objections have been filed. Accordingly, this Court will review the R&R for clear error.

Upon careful review, it is the opinion of this Court that the magistrate judge's Report and Recommendation [**Doc. 14**] should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated therein. Accordingly, this Court hereby **DENIES** the defendant's Motion to Suppress Evidence [**Doc. 10**].

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record.

DATED: December 30, 2011.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE